



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

August 28, 2012

Stephen L. Nolen
U.S. Army Corps of Engineers
Tulsa District
1645 S. 101st East Avenue
Tulsa, OK 74128-4629

Mr. Nolen,

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the U.S. Army Corps of Engineers (USACE). In accordance with section 3182 (j) and (k) of the Water Resources Development Act (WRDA) of 2007, the USACE proposes to convey approximately 635 acres of Federal land at Lake Texoma to the City of Denison, Texas. Upon receipt of title to these lands, the city will retain portions for public facilities and transfer the remaining land to Schuler Development.

EPA provided comments for the DEIS in a letter dated December 21, 2011. EPA rated the DEIS as "EC-2" i.e., EPA has "Environmental Concerns and Requests Additional Information. The rating was given due to concerns over degradation of natural resources and lack of mitigation for those resources.

The response to comments on the Draft EIS states the conveyance of land is a congressionally mandated action without specific language requiring replacement of lost lands or habitat, and therefore, none is provided as part of the proposed plan. According to language in Section 3182(k)(3) of the WRDA of 2007, that does not preclude the Secretary from requiring additional terms and conditions the Secretary considers necessary and appropriate to protect the interests of the US. EPA recommends USACE consult with state and/or federal resource agencies tasked with management of natural resources in order to lessen the potential environmental degradation of the preferred alternative.

EPA appreciates the opportunity to review the FEIS. If you have any questions or concerns, please contact Keith Hayden of my staff at hayden.keith@epa.gov or 214-665-2133 for assistance.

Sincerely,

A handwritten signature in purple ink, which appears to read "Rhonda Smith", is written over a horizontal line.

Rhonda Smith
Chief, Office of Planning
and Coordination